

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT HOSSFELD, individually and on)	
behalf of a class of all persons and entities)	Case No. 1:20-cv-07091
similarly situated,)	
Plaintiff,)	
)	
v.)	
)	
ALLSTATE INSURANCE COMPANY,)	Hon. Judge Joan B. Gottschall
Defendant.)	

PLAINTIFF’S MOTION FOR EXTENSION

Plaintiff respectfully seeks an extension of the date by which the Parties may request disposition of an issue without summary judgment formalities, and the date by which he must file his motion for judgment, until some reasonable time after the Court decides Allstate’s motion for leave, and for entry of judgment (if leave is granted). Dkt. 290. In support of this motion, Plaintiff states:

1. This case alleges violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227; 47 C.F.R. § 64.1200(d). On March 28, 2024, the Court granted Plaintiff’s summary judgment motion as to liability and willfulness against Allstate for twelve telemarketing calls. Dkt. 281, 282.

2. On April 22, 2024, the Court permitted Plaintiff to file a second summary judgment motion asking for final judgment, on the issue of individual injunctive relief and litigation costs, by May 17, 2024 (a date requested by the parties). Dkt. 286. Plaintiff also intends to move for judgment as to the amount of individual damages in that motion. The Court extended that date to May 31, 2024, and directed that motions for leave to proceed outside the Local Rule 56.1 strictures be filed by May 29, 2024. Dkt. 289.

3. On May 29, 2024, Allstate filed a motion for leave to file a motion seeking final judgment of \$18,000. Dkt. 290. While Plaintiff does not oppose – and indeed *agrees* with – Allstate’s request for judgment for \$18,000 in *money damages*, Plaintiff notes that he received multiple Allstate telemarketing calls after he filed this lawsuit, and thus still also intends to seek individual *injunctive relief* prohibiting future Allstate telemarketing calls from being made to his residential number. *See* Dkt. 285 at 2 (joint status report where Plaintiff stated that he “anticipates filing a motion for an injunction in his individual capacity”) The damages provisions at issue in the TCPA, 47 U.S.C. § 227(c)(5), authorize money damages, injunctive relief, or “both.”

4. Plaintiff respectfully submits that it would be inefficient for the parties to brief the amount of damages that should be entered if both Plaintiff and Allstate agree those damages should be \$18,000.

5. The requested extension will also allow Plaintiff’s counsel a temporary relief valve from one of multiple matters requiring urgent attention after several weeks of very difficult personal circumstances and unexpected leave.

6. Thus, Plaintiff files this motion seeking an extension of the May 29, 2024, deadline for Plaintiff to file a motion for leave to request judgment outside Local Rule 56.1’s strictures, and the May 31, 2024, deadline for Plaintiff to file his motion for injunctive relief, until some reasonable time after ruling on Allstate’s motion for entry of judgment, Dkt. 290, if the Court grants Allstate leave to file such.¹

WHEREFORE, Plaintiff respectfully requests that the Court extend the time within

¹ Whether Allstate will receive leave to file its motion for judgment is another material question that supports extending the date for Plaintiff’s motions.

which Plaintiff may file a motion for leave for entry of judgment without Local Rule 56.1 compliance, and the date within which Plaintiff may request entry of judgment *using* Local Rule 56.1 organizational process, until some reasonable time after the Court rules on Dkt. 290.

Respectfully submitted,

Dated: May 29, 2024

By: /s/ Alexander H. Burke
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on May 29, 2024, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Alexander H. Burke